

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 24436 of 2001

Between:

Pasupuleti Nageswara Rao, S/o. Saraswathi.
R/o. Challapalli, Krishna.

..... PETITIONER

AND

- 1 The Mandal Revenue Officer,
Challapalli Mandal, Krishna.
- 2 The Executive Officer,
Challapalli, Grampanchayat,
Krishna.
- 3 The Regional Deputy Director,
Town & Country Planning, Guntur.
- 4 The Member Secretary,
Pollution Control Board, HUDA Complex,
Mytrivanam, S.R.Nagar, Hyderabad-38.
- 5 The Divisional Engineer,
A.P.Transco, Machilipatnam,
Krishna.

- 6 M/s. Sri Sai Aqua Feeds, Rep. Partner-Sri Sabbineni Bose,
S/o. Venkata Ramaiah, Chellapalli,
Krishna.
- 7 Ms/. Rohini Aqua & Poultry Feeds, Rep. Partner Smt. Sabbineni Lalitha.
W/o. Sabbineni Bose, Chellapalli,
Krishna.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in permitting the respondents 6 and 7 to establish two Aqua Feed Factories within the vicinity of residential area of Chellapalli Gram Panchayat, Krishna District without proper pollution control methods as illegal and further direct the respondents 2 and 3 to close down the running of the factories which are in violation of pollution laws, and pass such other orders or order.

Counsel for the Petitioner:MR.V.CH.NAIDU

**Counsel for the Respondent Nos.1 to 3: GP FOR IRRIGATION & COMM AREA
DEV.**

Counsel for the Respondent No.4: Mr. S.V.Bhatt

The Court made the following Oral Order: (per Sri Devinder Gupta,CJ)

Petitioners have questioned the action of respondents in permitting the 6th and 7th respondents to establish Aqua Feed Factories in a thickly populated residential area in Survey No.146/2 of Chellapalli Gram Panchayat, Krishna District.

Notice was issued to the respondents.

Sri Rajiv Sharma, Member Secretary, A.P. Pollution Control Board on behalf of the 4th respondent has filed affidavit in reply stating that respondents 6 and 7 have established poultry/aqua manufacturing units in Chellapalli Village, Krishna District. On 5.12.2001, the site was inspected by the Environmental Engineer of the Board. At the relevant time, dry fish, fish oil, fish meal, groundnut cake, soya cake, maida, jowar, rice bean, broken rice etc., were being processed. The fish meal and dry fish generate foul smell if they are not properly sterilized. The affidavit further states that the units of respondents 6 and 7 were located near human habitation at a distance of 100 Mtrs. Complaints were received and thereafter hearing was afforded and appropriate directions were issued by the Board to respondents 6 and 7 to control the foul smell. Directions were also issued to two other similar units located adjacent

to the units of respondents 6 and 7. The other two industrial units are alleged to have complied with the directions. The affidavit further states that the poultry and aqua feed manufacturing units are not listed in 64 categories of SSI polluting units. Therefore, the Board is not issuing any consent to those industries which are not listed in 64 categories of SSI units and in lieu of the consent from Board, the industries obtain acknowledgment from the District Industries Centre and there is a condition imposed by the Industries Centre that the unit shall not be established in a residential area or close to sensitive areas. Further, in the year 2003, the officials of the respondent-Board inspected the units of respondents 6 and 7 and found that raw material was being stored at a distance of 500 Mtrs., away from the unit and the respondent-Board assured that it will continue to monitor the units of respondents 6 and 7.

In the facts of the instant case, no other or further directions deserves to be issued, except by directing the respondent Board that it will continue to monitor the units of respondents 6 and 7 and in case it is found that respondents 6 and 7 are violating any of the provisions of the Environmental Law, the Board will issue appropriate directions for rectifying the defects, if any, and in case the directions were not complied with by the respondents 6 and 7, appropriate punitive action will be taken against them. We also reserve liberty to the petitioner to bring to the notice of the Board any violation of the Environmental Law by the respondents 6 and 7 and in case such a complaint or representation is received by the Board, we direct the Board to take appropriate action on the same within a period of 15 days from the date of such representation.

With this direction, the writ petition is disposed of.

DEVINDER GUPTA,CJ

DATE: 22nd JULY, 2004

C.V. RAMULU,J

pnb

To

- 1 The Mandal Revenue Officer,
Challapalli Mandal, Krishna.
- 2 The Executive Officer,
Challapalli, Grampanchayat,
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